

REMARKS

Claims 1-10 and 26 are pending in the application. Claims 1-10 and 26 are rejected.

Claims 3-7 are cancelled.

Claim 1 has been amended to incorporate the limitation of former claim 7.

New dependent claim 27 is added. Support for this claim is found at p. 4, lines 3-6.

No new matter is introduced by these amendments.

Reply to the Rejection of Claims 1, 3-5, 8, 10 and 26 under 35 U.S.C. § 102(b)

The Examiner has rejected Claims 1, 3-5, 8, 10 and 26 as being anticipated by U.S. Patent No. 4,085,264 to Seib *et al.* ("Seib"). For the following reasons, Applicants respectfully traverse the Examiner's rejection of claims 1-10 and 26 as being anticipated by Seib.

Seib teaches a process for preparing acrylate copolymers by copolymerizing 45 to 80% by weight of methyl methacrylate, 10 to 30% by weight of one or more C₃₋₁₂ alkyl acrylates, and 10 to 25% of acrylic acid and/or methacrylic acid (col. 1, lines 42-54). The neutralized copolymers are useful as film formers in hair setting compositions (col. 1, lines 10-13). Claim 1 of the present application has been amended to incorporate the limitation of claim 7, which the Examiner considers not to be anticipated by Seib.

With respect to the Examiner's comments that the compositions of Seib as claimed meet the claimed suncare and skincare limitations, Applicants respectfully disagree. A proper 102 rejection requires that a reference teach with specificity each and every claimed element. Seib only teaches use of its acrylate copolymers in hair setting compositions (*i.e.*, hairsprays). Seib is silent with respect to suncare and skincare. Therefore, it cannot be said that Seib anticipates claims 10 and 26.

For at least these reasons, claims 1, 3-5, 8, 10 and 26 are not anticipated by Seib. Withdrawal, therefore, of the rejection of claims 1, 3-5, 8, 10 and 26 under 35 U.S.C. § 102(b) is respectfully requested.

Reply to the Rejection of Claims 1-10 and 26 under 35 U.S.C. § 103(a)

The Examiner has rejected Claims 1-10 and 26 as being unpatentable over U.S. Patent No. 6,221,389 to Cannell *et al.* ("Cannell"). For the following reasons, Applicants respectfully traverse the Examiner's rejection of claims 1-10 and 26 as being unpatentable over Cannell.

Cannell discloses aqueous carrier systems based on organic phospholipids capable of forming bilayers in aqueous solutions, nonionic surfactants, and amphoteric surfactants, wherein the carrier systems allow water-insoluble polymers to be incorporated into aqueous solutions (col. 1, lines 12-18). The compositions of Cannell include at least one organic phospholipid, at least one amphoteric surfactant and at least one nonionic surfactant (col. 2, lines 50-56). The water-insoluble ingredient is dissolved in a solution of the phospholipid, amphoteric surfactant and nonionic surfactant to form the aqueous carrier system and this system is then formulated in a personal care composition (col. 7, lines 1-11; col. 9, lines 10-45; col. 10, lines 1-11).

The present invention is directed towards a personal care composition containing an acrylates copolymer, wherein the copolymer is readily dispersible in the personal care composition at any point during processing without the need for additional processing. As shown above, Cannell simply does not teach suggest copolymers. Rather, Cannell teaches incorporation of water-insoluble copolymers by first dissolving the copolymers in the phospholipid/amphoteric surfactant/nonionic surfactant solution, adding an aqueous solution to form the carrier system, and then formulating the carrier system into the personal care composition. One skilled in the art, considering Cannell, would be provided with no motivation to produce the copolymers of the present invention and incorporate them into a personal care composition without first dissolving them in the phospholipid/amphoteric surfactant/nonionic surfactant solution of Cannell.

For at least these reasons, claims 1-10 and 26 are not rendered obvious by Cannell. Withdrawal, therefore, of the rejection of claims 1-10 and 26 under 35 U.S.C. § 103(a) is respectfully requested.

It is believed that the above remarks and amendments overcome the Examiner's rejection of the claims. It is further believed that the application is now in condition for allowance, and such allowance is respectfully requested.

Respectfully submitted,

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AKZO NOBEL INC.
120 White Plains Road, Suite 300
Tarrytown, New York 10591
Phone 914.333.7420
Fax 914.366.4097

A handwritten signature in black ink, appearing to read 'David P. LeCroy', is written over a horizontal line.

David P. LeCroy
Attorney for Applicants
Reg. No. 37,869